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November 7, 2014

Honorable Sandra L. Townes
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, N.Y. 11201

By ECF

Re: *United States v. Jiang Hong Wei*
12 Cr. 130 (SLT)

Dear Judge Townes:

As your Honor is aware, the defendant requested a sentence of time served with no supervised release for Mr. Jiang. On October 20, 2014, with the government's recommendation, your Honor indicated that you were prepared to sentence Mr. Jiang pursuant to the request, leaving the issue for restitution for another time, if all factual issues were resolved. After discussions between counsel, only one factual issue remained. As a result, your Honor adjourned sentencing and ordered that a *Fatico* hearing for all factual issues be held on November 24, 2014.

After further discussions with my client and then with the government, we have resolved all of the factual issues. Mr. Jiang withdraws his objection to the one remaining factual dispute. Therefore no factual dispute remains.

Though Mr. Jiang has withdrawn his factual challenge to the calculation of restitution as \$9,000 for each defendant for a total of \$36,000, both the

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government and defendant agree that the legal issue of whether the loss suffered by John Doe #1 was directly and proximately caused by Mr. Jiang's offense of conviction conduct. Mr. Jiang's position is set forth in his September 30, 2014 submission starting at the bottom of page 16 and ending at the first line of page 18. The government's position is set forth in its October 5, 2014 submission beginning in the middle of page three and ending at the second line of page 4. Both the government and the defendant agree that no factual issue remains and that the legal arguments are sufficiently set forth for your Honor.

It is respectfully requested that your Honor sentence Mr. Jiang to time served and a \$25 special assessment. Further, should your Honor find that restitution may be lawfully ordered in this case, I respectfully request that restitution be ordered in the amount of \$9000 to John Doe #1. I have been informed that the government agrees that this is the appropriate sentence in this matter.

Should your Honor have any questions, please feel free to contact our office. Thank you for your consideration.

Sincerely,

/s/

Sam A. Schmidt.